

a 1 Conti.

14. The method of claim 3 in which the item is the subject of said query only if the user has demonstrated a prior purchasing habit related to said item, and the omission of said item is not in accordance with said demonstrated habit.--

REMARKS

After entry of the foregoing amendment, claims 1-14 are pending in the application. Reconsideration is requested.

Scroggie (cited against claims 1, 2 and 7) is not understood to teach or suggest the subject matter of applicants' claims.

Scroggie's cited Fig. 13 concerns a system for distributing purchasing incentives over the Internet. While physical objects are scanned at a grocery checkout by a scanner, the resulting data is used to provide electronic coupon-like purchase incentives from the store's computer to the user's computer (col. 11, lines 41-47). The user can then employ these purchase incentives in connection with a subsequent purchase (col. 12, lines 2-6).

Scroggie does *not* teach the use of the scan data "to present a customized selection of items in an on-line shopping environment," as required by claim 1, nor "receiving input from a user identifying a subset of items from said customized selection of items." Accordingly, withdrawal of the anticipation rejection of claim 1, and claim 2 dependent thereon, is solicited.

Claim 10 has been added specifying that the sensing of claim 1 occurs in the product aisles – away from the checkout. (Support for this is found, e.g., at page 3, lines 11-18.) Claim 11 has been added specifying that the sensing comprises sensing an RFID identifier. (Support for this is found, e.g., at page 3, line 22.)

Scroggie is also not understood to teach recalling – in a bricks and mortar store – preference/habit database records logged during on-line shopping, and using such logged data in connection with bricks and mortar shopping by the user, as required by claim 7.

The cited text at col. 13, lines 10-23, is understood to concern a related – but different – arrangement, by which purchasing incentives are emailed to the user, and can be used in in-store transactions.

Accordingly, allowance of claim 7 is likewise solicited.

Claim 3 defines a method that includes - after a user has selected desired products from a user-specific list of products - querying the user as to possible purchase of an item *not* selected *but included* in the user-specific list. Kenney is not understood to teach or suggest such an arrangement. He teaches use of pre-prepared lists of items routinely purchased and items due for reorder based on prior purchase history (e.g., col. 4, lines 25-28), but does not teach the claimed query at the claimed time. Accordingly, claim 3 is likewise believed to be in condition for allowance.

Claims 12 and 13 have been newly added, further detailing the method of claim 3. (Support for these new claims is found, e.g., at page 5, lines 9-20.)

Kenney teaches a graphical depiction of a shopping aisle. However, the undersigned has located no reference in Kenney teaching that items of potential interest to a shopper are presented more prominently (claim 8), or that the items to be presented more prominently are identified by reference to the shopper's prior shopping history. Accordingly, claims 8 and 9 are believed to be properly allowable.

Claim 6 is allowable for its dependence on claim 3. Moreover, claim 6 is independently patentable because the impetus for the proposed Kenney + Boesch combination appears to be based on hindsight reconstruction, rather than suggestions deriving from the art.

In view of the foregoing, allowance of claims 1-13 is solicited.

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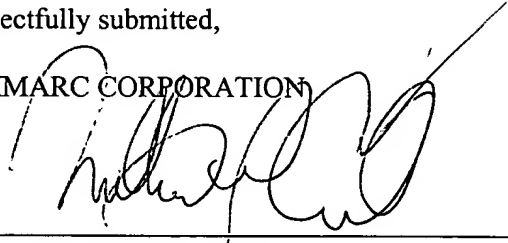
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Respectfully submitted,

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Version with Markings to Show Changes Made in Claims:

Add new claims:

--10. The method of claim 1 in which the sensing comprises sensing said selected items along aisles at which said items are displayed, away from a checkout stand.

11. The method of claim 1 in which the sensing comprises sensing an RFID identifier.

12. The method of claim 3 in which the item not selected by the user, but on said recalled list associated with the user, is a dessert or cookie item.

13. The method of claim 3 in which the item is the subject of said query only if said item has not been purchased by the user for a predetermined period.

14. The method of claim 3 in which the item is the subject of said query only if the user has demonstrated a prior purchasing habit related to said item, and the omission of said item is not in accordance with said demonstrated habit.--